

CITY OF EUREKA

Category: PERSONNEL

POLICIES & PROCEDURES

Subject: TEMPORARY DISABILITY
LEAVE

Date Adopted: November 6, 2018

File
Number 3.30

POLICY OBJECTIVE

The purpose of the temporary disability benefit provided by the City is to furnish the disabled employee in the classified service with a partial income should he/she become disabled due to a covered non-occupational illness or accident.

ASSIGNED RESPONSIBILITY

Human Resources Director, Finance Director.

APPLICABILITY

The term "disability" as used in this policy means the complete inability of the employee to engage in his/her regular occupation. Only Regular Full-Time and Regular Part-Time employees are eligible to receive temporary disability benefits under this policy. Employees must have one (1) year of employment with at least 1250 hours worked in the past year to be eligible for coverage under this policy. This policy does not cover time off to care for a family member with a serious health condition.

PROCEDURES

- A. The maximum benefit period for temporary disability is six (6) months following a thirty (30) day waiting period or following the exhaustion of all accumulated sick leave time, whichever takes longer.
- B. The waiting period starts when illness or disability begins and is reported as provided under the City's sick leave policy.
- C. After being away from the job five (5) days of sick leave, the employee shall submit a physician's Medical Certification to the department head indicating that the employee is not able to return to work and estimating the additional time required for recovery.
- D. The disabled employee must complete and submit a Temporary Disability Request Form to the Human Resources Department, along with the physician's Medical Certification.
- E. An employee is placed into Temporary Disability status by the Human Resources Director after a full review of all required documentation. The employee is also removed from Temporary Disability status by the HR Director as the additional

medical certifications show that the employee may return to full or partial work duty.

- F. During the temporary disability benefit period, the employee shall submit additional physician's certificates upon request by the HR Director.
- G. The waiting period for a pregnant employee shall begin on the date the child is born or earlier upon submission of a physician's certificate indicating the employee's inability to perform assigned job duties.
- H. This policy provides the maximum temporary disability benefit over a twelve (12) month period starting from the first day of missed work due to disability, and is not reset on a per-instance basis during that time-frame.
- I. Employees who are in a Temporary Disability status must submit a physician's certificate to the Personnel/HR Director, stating that they can resume their job duties before returning to work.
- J. A disabled employee who temporarily returns to work during the waiting period will not necessarily have to begin a new waiting period, as long as the period of temporary recovery does not exceed forty (40) hours during the thirty days waiting period.
- K. The temporary disability benefit shall be sixty-seven (67%) of base monthly earnings. Base monthly earnings is the salary quoted in the current salary schedule of the City of Eureka at the step level applicable for the employee, and does not include additional pay such as certification pay, specialty pay, longevity, etc. Employees may opt to use their accrued benefit time to cover all or part of the remaining thirty-three percent (33%) of their full salary. The maximum monthly benefit allowance shall not exceed sixty-seven percent (67%) of the top step in the Department Head salary range.
- L. The following benefits will be deducted from an employee's temporary disability benefit: a) Any salary, wage or other compensation paid by any employer, or profit from self-employment, b) Any disability and retirement benefits from pension programs toward which any employer contributed or made payroll deductions. (This excludes lump sum payments of contributions only made by the employee), c) Any benefits paid to and for the disabled employee due to other government programs, such as Social Security payments, worker's compensation. (This policy in no way affects the benefits for police officers as provided under Labor Code Sec. 4850.)

- M. The City shall make every reasonable effort to provide part-time or light duty work for disabled employees wishing to enter into a period of rehabilitation. The period of rehabilitation shall not exceed one month, or as the Personnel/HR Director determines is required by the Americans with Disabilities Act. Full-time light duty work shall be compensated at the employee's regular salary level. Part-time work (up to half-time) shall be compensated by paying the temporary disability benefit plus half-pay for the part-time work which is to be calculated at the hourly equivalent of the regular salary level of the disabled employee.
- N. During the temporary disability benefit period no vacation or sick leave time will accrue to the employee. The temporary disability benefit period will be excluded from the time necessary for salary step increases. No benefits are payable during the waiting period other than the employees accrued benefit leave banks.
- O. Temporary disability benefits are not paid for disability intentionally self-inflicted injuries or self-inflicted injuries occurring while the employee is unable to form the intent to harm himself, committing or attempting to commit an assault or felony, or participating in a violent disorder except in self-defense. Benefits are not payable to the employee while confined in jail, scheduled to be away from work without pay, or if the employee is not being treated by a physician.
- P. 3 Month Extension: Employees who are unable to return to work due to injury/disability within the six (6) month limit may be eligible for a three (3) month extension. Employees must submit a signed physician's medical certification which indicates that the employee is unable to return to work, and an estimated time of recovery. During this 3-month extension, the employee is prohibited from using any accrued benefit time to supplement the remaining percentage of their salary. Only one extension may be granted.
- Q. Parental Bonding Leave: Employees may receive up to six (6) weeks of Parental Bonding Leave for bonding within twelve (12) months of the date of birth, adoption, or foster care placement of a child. The benefit shall be sixty-seven percent (67%) of basic monthly earnings, and employees may use applicable benefit time to cover the remaining thirty-three (33%), if available. There is no waiting period for the use of Parental Bonding Leave for the first week, but the employee must schedule future PBL time in advance, using the same accepted departmental procedures for requesting/approving vacation time. PBL shall run concurrently with temporary disability time off.